

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CESAR GONZALES,

Defendant.

8:23–CR–122

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government’s Motion for Preliminary Order of Forfeiture. [Filing 75](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On April 9, 2024, the Court held a change of plea hearing and defendant, Cesar Gonzales, entered a plea of guilty to Count I and admitted to the Forfeiture Allegation of the Indictment insofar as the Allegation related to the \$54,000.00 seized in December 2022, but not the \$33,989.00 seized in February 2023. [Filing 73 at 15](#)–18. The Government indicated at the hearing that the parties “are in talks with Defendant to see if [the \$33,989.00] would be forfeited or not.” [Filing 73 at 17](#). The defendant confirmed that he “is not admitting to th[e] forfeiture count” of the \$33,989.00. [Filing 73 at 17](#). The Government’s Motion for Preliminary Order of Forfeiture does not address the \$33,989.00. *See generally* [Filing 75](#). Therefore, this Preliminary Order of Forfeiture does not address the \$33,989.00 forfeiture allegation and instead only addresses the \$54,000.00 allegation admitted by the defendant.

2. Count I charged the defendant with conspiracy to distribute and possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers and salts of isomers, a Schedule II controlled substance, in violation of [21 U.S.C. §§ 841\(a\)\(1\) and 841\(b\)\(1\) and 846](#).

3. The Forfeiture Allegation sought the forfeiture of \$54,000.00 seized in December 2022 on the basis that it was used to facilitate the offense, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offense. [Filing 1 at 2](#). The defendant agreed that this \$54,000.00 “was, in fact, used one way or another with respect to the crime or [that] it was proceeds from this crime.” [Filing 73 at 17](#).

4. By virtue of said plea of guilty, the defendant has forfeited his interest in the \$54,000.00 in United States currency. Accordingly, the United States should be entitled to possession of said currency pursuant to [21 U.S.C. § 853](#).

4. The Government’s Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The Government’s Motion for Preliminary Order of Forfeiture, [Filing 75](#), is granted;
2. Based upon the Forfeiture Allegation of the Indictment and the plea of guilty, the Government is hereby authorized to seize the \$54,000.00 in United States currency;
3. The defendant’s interests in the \$54,000.00 in United States currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#);
4. The \$54,000.00 in United States currency is to be held by the Government in its secure custody and control;
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the Government shall publish for at least thirty consecutive days on an official internet Government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government’s intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property

must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier;

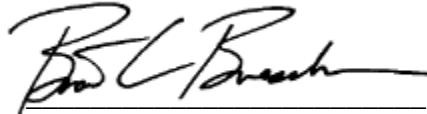
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$54,000.00 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$54,000.00 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought;

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$54,000.00 in United States currency as a substitute for published notice as to those persons so notified;

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 29th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge